

APPROVED: Meeting No. 35-80

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 33-80

August 18, 1980

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, August 18, 1980, at 8:00 p.m.

PRESENT

Mayor pro-tem John Tyner

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

ABSENT

Mayor William E. Hanna, Jr.
(on travel leave)

The Mayor pro-tem in the Chair.

In attendance: City Clerk Helen M. Heneghan, Assistant City Manager Daniel Hobbs; Assistant City Attorney Paul Glasgow; Assistant City Attorney Frank Lacey; Director of Finance John Lawton; Director of Budget Anna Lee Berman; Director of Planning James M. Davis; Director of Public Works Robert Goodin; Chief of Police Jared Stout;

Re: City Manager's Report

Mr. Hobbs reported the following:

1. Phase I construction has begun on Horizon Hills Park including a new path way system, fitness trail and playground area.
2. The City has CDBG loan and grant figures for the fiscal year just completed - FY 80. The figures are very impressive. As a result of the total of 78 loans and grants under the City's program and the state's, a total of \$667,000 was invested this past year in improving Rockville neighborhoods. It has been found in the past that this activity can have a ripple effect in encouraging neighbors to spruce up their own homes in their neighborhoods.
3. A capsule of City Public Work's activity during the week of August 11 - 15 follows. It includes both the work of the City forces and contracting forces. The activities are: laid 270 feet of 8" water main on Rockville Pike, painted three fire hydrants, rodded 90,000 feet of main line, snaked 45 clean-outs on T. lateral maintenance program, answered 16 sewer stoppage complaints, swept 86 curb miles, repaired 11 signs, painted 1,224 lineal feet of parking lane lines, and laid 754 tons of smoothseal on various streets.

Re: Proclamation - Newspaper Recycling
Month - September, 1980

Proclamation No. 6-80

There being no objection from the Council, Mayor Pro-tem Tyner proceeded to issue Proclamation No. 6-80, proclaiming the month of September as Newspaper Recycling Month in Rockville. Councilman Abrams, at the request of Mr. Tyner, read the proclamation in which it was urged that all citizens of Rockville support the City's efforts to contain the cost of providing services and also to conserve by participating in the City's recycling program.

Re: Introduction of Ordinance: To
authorize public improvements
for construction of Gude Drive
from Research Blvd. to State
Rt. 355.

On motion of Councilman Abrams, there was introduced upon the table an ordinance authorizing public improvements for the construction of Gude Drive from Research Blvd. to State Rt. 355, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance: To
authorize public improvements for
construction of Research Blvd. -
North of State Rt. 28 to South
Shady Grove Road.

On motion of Councilman Freeland, there was introduced upon the table, an ordinance authorizing public improvements for the construction of Research Blvd. - north of State Rt. 28 to south Shady Grove Road, said ordinance to lay over at least one week before final action is taken.

Re: Preliminary Review and Referral of
Text Amendment Application, T-38-80.

The subject application has been proposed and filed on behalf of the Planning Commission for the purpose of amending Section 3-301 of the Zoning and Planning Ordinance - Table II - Development Standards for Non-Residential Zones - relating to maximum building height in the I-4 Zone.

Rather than basing the height on the setbacks, the Planning Commission is recommending that the same height requirement (40 feet) in the I-1 and I-2 Zones be used for the I-4 Zone. In addition, a four (4) story limit is recommended. This change is intended to simplify the administration of this height requirement and to clear up any confusion over the interpretation of the requirement.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Text Amendment Application, T-38-80, was referred to the Planning Commission for further study.

Re: Approval of construction of guardrail
on Baltimore Road

Councilwoman Fordham moved, duly seconded, to deny approval of the construction of the guardrail. Councilwoman Fordham stated that she saw no need, since there was no request from the citizens. Originally the City talked of placing a guardrail in a different area and there was need for it at this location. She noted that the traffic engineer agreed saying it might not be helpful but could even be a hindrance due to giving people a false sense of security. Councilman Freeland disagreed as did Mayor pro-tem Tyner. He said it is reasonable investment and it will certainly not harm anyone but might save someone. He would like to see authorization given by the Council so that the staff can proceed and contact the neighbors and build it if the neighbors agree to it.

Councilwoman Fordham's motion to deny approval was defeated, only Councilwoman Fordham voting aye, all others voting nay.

Councilman Freeland moved, duly seconded, that the staff proceed with the project of building the guardrail at a cost of \$7,000 with the understanding that the neighborhood will be contacted for their approval prior to the construction. The motion passed, only Councilwoman Fordham voting nay.

Re: Citizen's Forum

The Mayor pro-tem opened the meeting to those citizens who wished to address the Mayor and Council.

1. Jane Vaughan. Mrs. Vaughan told the Council that the construction of the guardrail will be a help to motorists but not to pedestrians. She added that the neighbors did not favor the original guardrail construction because building it would cause them to lose parking spaces and at the same time the guardrail is unattractive.

2. Steve Fisher. Mr. Fisher presented to the Council a clipping from the Montgomery Journal showing a picture of directional signals to Rockville and Gaithersburg that was taken in Egypt.

3. Eric Guckenheimer, Cabin John Parkway. Mr. Guckenheimer said that he is sure the citizens are thankful for the sidewalk that was placed on Baltimore Road and the speed in which it was accomplished, but the 500 to 600 block of Cabin John Parkway has a new sidewalk, and students still walk in the street.

He suggested that the City ask the police to enforce laws to keep pedestrians on the sidewalk and return the streets to the automobile.

There being no other citizen wishing to be heard, the Mayor pro-tem closed the citizen's forum portion of the meeting.

Re: Public Hearing: Street Closing
Abandonment Application, SCA-23-80,
E. Casey, Applicant, requesting the
abandonment of a portion of Locust St.

The Mayor and Council conducted a public hearing on street closing abandonment application, SCA-23-80, E. Casey, Applicant, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard the Mayor pro-tem closed the public hearing with the record to be held open three weeks.

Re: Public Hearing: Text Amendment
Application, T-32-80, amending the
Zoning and Planning Ordinance to
to require that hotels in the C-2
zone are subject to special development
standards and to add the standards.

The Mayor and Council conducted a public hearing on text amendment application, T-32-80, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor pro-tem closed the public hearing with the record to be held open for two weeks.

Re: Public Hearing: Text Amendment
Application, T-37-80, amending the
Zoning and Planning Ordinance to
make various changes in the
subdivision regulations.

The Mayor and Council conducted a public hearing on text amendment application, T-37-80, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor pro-tem closed the public hearing with the record to be held open for two weeks.

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Re: Public Hearing: Text Amendment Application, T-31-80, amending the Zoning and Planning Ordinance to prohibit the retailing of alcoholic beverages for consumption off the premises in the C-1 zone, while permitting the consumption on the premises of a restaurant or delicatessen in that zone.

The Mayor and Council conducted a public hearing on text amendment application, T-31-80, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor pro-tem closed the public hearing with the record to be held open for two weeks.

(At this time the Mayor and Council took a 10 minute recess)

Re: Public Hearing: Street Closing and abandonment Application, SCA-25-80, Washington Metropolitan Area Transit Authority, Applicant requesting the abandonment of a portion of Baltimore Road at St. Mary'

The Mayor and Council conducted a public hearing on street closing abandonment application SCA-25-80, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor pro-tem closed the public hearing with the record to be held open for two weeks.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Request for participation in National Multiple Sclerosis campaign.
2. J. A. Lynott, requesting postponement of hearing.
3. R. J. Freda, re solicitor.

Councilwoman Fordham asked if the Council might receive a report from the staff. Mr. Hobbs said the staff had looked into this and called the Chamber of Commerce and no one was licensed to solicit in the neighborhood.

4. S. H. Fisher, re compliments for City employees.

Councilman Abrams noted how nice it is to see staff complimented.

5. A. W. Maguire, re speeding on Azalea Drive
6. Mrs. R. Echman, re summer program

Councilman Abrams said he would like to add his kudos to the city staff for a job well done.

Re: Information Items

1. Notice of liquor license applications

The Council said they had no problem with this particular liquor license application.

2. Memo re ACSC task completions

3. Memo re trees on Ritchie Parkway

Councilwoman Fordham urged the Council to do something about this problem such as instituting a review board or commission to save trees. Mr. Hobbs explained how difficult it is to save trees when construction is going on.

4. Copy of letter to Denham Rd. neighbors re storm water management

5. Memo re car repairs at Nelson Street

6. Draft letter to Gneral Assembly re Triennial Assessment

7. Memo re Thermography Grant

Mayor pro-tem Tyner said that it is a good idea that the City is proceeding with this.

Re: Approval of minutes: Meeting No. 30-80,
July 28, 1980.

On motion of Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 30-80, July 28, 1980, were approved as written.

Re: Executive Session

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the meeting was closed for executive session to discuss litigation.

Re: Adjournment

There being no other business to come before the Council in executive session, the meeting was adjourned at 11:45 p.m. to convene again in general session on Monday, August 25, at 8:00 p.m. or at the call of the Mayor.